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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
VU, THONG H	

ART UNIT	PAPER NUMBER
2142	4

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/767,237	DOYLE, RONALD P.	
	Examiner	Art Unit	
	Thong H Vu	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 January 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 January 2001* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Claims 1-42 are pending.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-42 are rejected under the judicially created doctrine of double patenting over claims 1-51 of U. S. Patent No. 6,757,708 B1 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

(Patent '708, claim 18) A method of caching dynamically generated content, comprising steps of:

setting input properties of an object using input data values;

executing a method of the object, after setting the input properties, thereby setting output properties of the object; and

caching the object in a cache after executing the method and setting the output properties, wherein the input properties and the input data values are used to create a key to identify the object in the cache, thereby automatically distinguishing among versions of the object which result from executing the method different input data values.

(claim 32) receiving a request for output properties of a particular object;

creating a key for the particular object using the input properties and the input data values which are applicable for those input properties when the request is received;

using the key created for the particular object to determine whether the particular object is already available in the cache, and if so, returning, to an issuer of the request, the output properties from the cached particular object.

(claim 17) value pairs are separated from one another with appropriate separators.

(Application, claim 11) A method for processing a content request using a cache of a servicing device in a computing environment, each of a plurality of cached contents in the cache associated with resource information corresponding to a level of resources used to create that cached content, the method comprising the steps of:

receiving by the servicing device the content request;

searching the cache of the servicing device for the requested content;

creating the requested content if the requested content is not available from the cache based on results of the searching step, the created content including resource information corresponding to a level of resources used to create that content;

attempting to cache the created content based on the resource information of the created content and the resource information of the cached contents; and

outputting by the servicing device the requested content.

(claim 13) the generation information for each content is associated with that content using at least one tag

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2,4-12,14-18,20-28,30-36,38-42 are rejected under 35 U.S.C. § 102(e) as being anticipated by Li et al [Li 6,591,266 B1].

4. As per claim 11, Li discloses a method for processing a content request using a cache of a servicing device (i.e.: server) in a computing environment, each of a plurality of cached contents in the cache associated with resource information corresponding to a level of resources used to create that cached content, the method comprising the steps of:

receiving by the servicing device the content request [Li, a Web server received a user request, col 7 lines 35-54, Fig 3 A-B];

searching the cache of the servicing device for the requested content [Li, a content delivery services provider generate and maintain a operation mapping table, col 8 lines 13-63];

creating the requested content if the requested content is not available from the cache based on results of the searching step, the created content including resource information corresponding to a level of resources used to create that content [Li, creat a view definition for each query, which establishes the criteria for identifying data associated with that particular query, col 13 lines 8-20];

attempting (i.e.: determining) to cache the created content based on the resource information of the created content and the resource information of the cached contents [Li, determine whether to cache, invalidate, or refresh the stored web page, based on a request, col 60 lines 45-50]; and

outputting by the servicing device the requested content [Li, a content delivery services server, col 48 lines 15-40].

5. As per claim 12, Li discloses the resource information for each content identifies a cost of creating that content as a design choice [Li the cost of updating the table, col 14 lines 37-52; cost efficient, col 15 lines 1-12,price, col 20 lines 27-35].

6. As per claim 14, Li discloses the plurality of contents represent computer page information [Li, web or HTML, col 3 lines 30-50] .

7. As per claim 15, Li discloses an access time associated with that content, an access frequency associated with that content, and a generation time duration associated with the generation of that content [Li, expired, col 4 lines 34-60; a periodic intervals, col 15 lines 23-32; request scheduling, col 26 lines 32-48].

8. As per claim 16, Li discloses receiving by a second servicing device (i.e.: proxy server) the requested content output from the outputting step [Li, a proxy server, col 7 lines 15-24];

determining whether to cache said received content in a second cache of the second servicing device based on the resource information associated with said received content [Li, intelligent caching and proxy server, col 7 lines 15-25]; and

returning to a user said received content according to the content request [Li, a content delivery services server, col 48 lines 15-40].

9. As per claim 17, Li discloses the first servicing device is an application server in a communications network [Li, application server 70, Fig 3B], and the second servicing device is a proxy server in the communications network [Li, a proxy server, col 7 lines 15-24].

10. As per claim 39, Li discloses the second computer-readable program code means includes:

third computer-readable program code means for storing a new content in the cache [Li, store the new web page in the web server, col 39 lines 10-15] if the cache is not full as inherent of cache memory;

fourth computer-readable program code means for comparing generation information associated with the new content with the generation information associated with each of the plurality of cached contents [Li, a newly created dynamic Web page, col 9 lines 43-53], if the cache is full as inherent of shortage memory obviously; and

fifth computer-readable program code means for replacing one of the plurality of cached contents with the new content based on the results of said comparison [Li, replaced by calls to CachePortal and operating mapping table, col 11 lines 25-38] .

11. Claims 1-2,4-10 and 18,20-25 and 26-28, 30-34 and 35-36,38-42 contain the similar limitations set forth of method claims 11-12 ,14-17. Therefore, claims 1-2,4-10 and 18,20-25 and 26-28, 30-34 and 35-36,38-42 are rejected for the similar rationale set forth in claims 11-12,14-17.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 3,13,19,29,37 are rejected under 35 U.S.C. § 103 as being unpatentable over Li et al [Li 6,591,266 B1] in view of Dujari [6,199,107 B1].

13. As per claim 13, Li discloses content change monitoring component detects a change using the URLs of the Web pages associated with the modified data [Li, col 48 lines 32-42].

However Li did not detail the resource information for each content is associated with that content using at least one tag.

It was well-known in the Internet art that each HTML components separated by a tag [see Dujari, Etag, col 6 lines 29-65]. An Official Notice is taken that a method for changing/updating/modifying the Web page contents due to the cost effective were well-known in the art [see Boucher, Scharber references].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the technique of using a tag or Etag notifies a server in determining whether the requested content has changed as taught by Dujari into the Li's apparatus. Doing so would provide the efficient process to update the Web content via Internet.

14. Claims 3,19,29,37 contain the similar limitations set forth of method claim 13. Therefore, claims 3,19,29,37 are rejected for the similar rationale set forth in claim 13.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643.
The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (703) 305-9705.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final	(703) 746-7238
Official:	(703) 746-7239
Non-Official	(703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Thong Vu
Patent Examiner
Art Unit 2142